

provided me such materials as were pertinent to the specific tasks at hand at any given point.

The foregoing is true and correct to the best of my knowledge. Executed this day under the laws of the State of California.

Dated: December 9, 2005


Gail Weinheimer

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 20 2001

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

STANLEY WILLIAMS,

Petitioner-Appellant.

v.

JEANNE WOODFORD, Warden, of the
California State Prison, San Quentin,

Respondent-Appellee.

No. 99-99018

DC# CV-89-00327-SVW

ORDER

Appellant is directed to file supplements to his opening and reply briefs stating the following:

1. Which specific issues decided by the district court are the subject of this appeal, using the same identification system as used by the district court.
2. Specifically and individually identifying the pages of each brief where each issue is discussed.

Appellant shall file the supplements within twenty-one (21) days of the date of this order.

Appellee shall file a like supplement within twenty-one (21) days of

receiving the appellant's supplements.

FOR THE COURT,

CATHY CATTERSON
CLERK OF COURT

By *Estela Urrutia*
Deputy Clerk

Declaration of Maria Stratton

I, Maria Stratton, do hereby state and declare as follows.


1. I am an attorney at law, duly admitted to practice before this Honorable Court. I am the Federal Public Defender for the Central District of California, and I have held this position continuously since prior to January, 1996, when my office was appointed to represent capital habeas petitioner Stanley Williams ("Petitioner").

2. I hired Attorney C. Renée Manes. I know that when she was assigned to handle Petitioner's matter, she had no prior capital experience, no prior criminal defense experience, no prior criminal prosecution experience, and no prior appellate experience. She was hired directly in to our newly formed Capital Habeas Unit, and immediately began working on Petitioner's case.

3. I permitted this assignment due to the fact my office had just opened this capital habeas unit at the direction of the Circuit Executive, but we were unable to locate and hire counsel qualified under 21 U.S.C. § 848(q).

The foregoing is true and correct to the best of my knowledge. Executed this day under the laws of the State of California.

Dated: December 9, 2005


Maria Stratton
Federal Public Defender
Central District of California

Declaration of Andrea Asaro

I, Andrea Asaro, do hereby state and declare as follows.

1. I am an attorney at law, duly admitted to practice before this Honorable Court. On or about January 9, 2003, I accepted an appointment by the United States Court of Appeals for the Ninth Circuit to represent capital habeas petitioner Stanley Williams ("Petitioner"). At the time of my appointment, Petitioner had a petition for rehearing from the Ninth Circuit's decision of September 10, 2002, pending.

2. When I accepted the appointment, I understood and agreed that the scope of representation I was to provide did not include representation in the event of any remand to the U.S. District Court. Although I reviewed extensive documentation, at no point did I conduct a complete review of the entire case file.

The foregoing is true and correct to the best of my knowledge. Executed this day under the laws of the State of California.

Dated: December 9, 2005


Andrea Asaro

1 (A discussion was held off the record.)

2 THE COURT: Mr. Martin, I assume you have a phone
3 number now?

4 MR. MARTIN: Yes.

5 THE COURT: All right.

6 You are to remain on call subject to a telephone
7 call.

8 You're free to go at this time.

9 Thank you.

10 Mr. Martin, you may call your next witness.

11 MR. MARTIN: The People call James Garrett.

12
13 JAMES GARRETT,

14 called as a witness by the People, was sworn and testified as
15 follows:

16 THE CLERK: You do solemnly swear that the testimony
17 you may give in the cause now pending before this court shall
18 be the truth, the whole truth, and nothing but the truth, so
19 help you God.

20 THE WITNESS: I do.

21 THE CLERK: Be seated in the witness box.

22 State your name, and spell your last name.

23 THE WITNESS: James Garrett, G-a-r-r-e-t-t.

24
25 DIRECT EXAMINATION

26 BY MR. MARTIN:

27 Q Mr. Garrett, are you married?

28 A Yes, sir.

1 Q How many people in your family?
2 A Six
3 MR. INGBER: Objection; irrelevant.
4 THE COURT: The objection is overruled.
5 Q BY MR. MARTIN: Six people?
6 A Yes.
7 Q Do you know the defendant, here?
8 A Yes, I do.
9 Q How long have you known the defendant, approximately?
10 A Approximately -- two years.
11 Q Two years?
12 A (The witness nods his head.)
13 Q Now, is it a fact that you have some cases that
14 are now pending before the courts?
15 A Yes, I do.
16 Q And have you pled guilty to certain charges?
17 A Yes, I have.
18 Q Now, what have you pled guilty to?
19 A I pled guilty to compounding -- to commit a felony.
20 I pled guilty to possession of stolen property.
21 Q And receiving stolen property?
22 A Yes.
23 Q Now, was that done as a plea bargain?
24 In other words, when you pled guilty to those
25 charges, were you told how long you would have to spend in
26 either county jail or state prison?
27 MR. INGBER: I would object to that as hearsay. Even
28 the answer is hearsay.

ER 1721

1 THE COURT: The objection is overruled.

2 The witness may testify as to what the circumstances
3 were concerning the entry of the plea to these charges.

4 MR. INGBER: My objection is simply as to what somebody
5 told him, not his understanding.

6 MR. MARTIN: What he pled to.

7 THE COURT: All right. You may proceed.

8 THE WITNESS: Could you repeat the question, please?

9 Q BY MR. MARTIN: Yes.

10 You pled in open court?

11 A Yes, I did.

12 Q And what was the plea bargain?

13 A Well -- I was told that I would do a year in
14 county jail on both cases.

15 Q That's what you pled to?

16 A Yes, I did.

17 Q Okay.

18 Now, were you also told what would happen to your
19 wife, Esther?

20 A Yes, I was.

21 Q And what was pending against her?

22 A Possession of stolen property.

23 Q Receiving stolen property?

24 A Receiving stolen property, yes.

25 Q And what was done with your wife, Esther?

26 A Well, I made agreement that with the DA's office
27 downtown that if I pled -- or testified in the cases, you
28 know, the insurance cases, that she would be given probation.

ER 1722

1 Q For how long?

2 A A year.

3 Q Three years?

4 A Three years.

5 Q Was she put on probation?

6 A Not as of yet.

7 Q Okay.

8 And you haven't had your probation and
9 sentencing as of this date?

10 A No, I haven't.

11 Q Okay.

12 You still have to go back to court and be formally
13 told, and sent to county jail; is that correct?

14 A Yes, I do.

15 Q Now, have you ever been convicted of a felony?

16 A Yes, I have.

17 Q What felony?

18 A Armed robbery.

19 Q Do you recall when that was?

20 A It happened at Fort Lee, New Jersey, 1970.

21 THE COURT: What was the year?

22 THE WITNESS: 1970.

23 Q BY MR. MARTIN: Did you serve time in state prison?

24 A Yes, I did.

25 Q Then did you get out?

26 A Yes, I did.

27 Q On what basis?

28 MR. INGBER: Objection, Your Honor. That's irrelevant.

1 THE COURT: Do you want to make an offer at the bench?

2 MR. MARTIN: Yes, Your Honor.

3 THE COURT: Counsel approach the bench.

4 Could we have the court reporter.

5 (The following proceedings were held
6 at the bench:)

7 THE COURT: What is the offer, here?

8 MR. MARTIN: The offer is simply that although he was
9 sentenced to state prison, his sentence was commuted by the
10 governor.

11 He did not, in other words, serve his complete
12 sentence. It was commuted by the governor.

13 That's how he got out.

14 THE COURT: The objection is sustained.

15 This is for impeachment, so the objection is
16 sustained to that question.

17 (The following proceedings were held in
18 open court, in the presence of the jury:)

19 Q BY MR. MARTIN: Did there come a time, Mr. Garrett,
20 when you came to California?

21 A Would you repeat that, please?

22 Q Yes,

23 Did there come a time when you came to California?

24 A Yes, I did.

25 Q When was that? Do you recall?

26 A Five years -- five and a half years ago.

27 Q Was that with your wife and your family?

28 A Yes, it was.

1 Q Now, directing your attention to March 14th,
2 1979, were you arrested around that time by the F.B.I.?
3 A March 14th of 1979?
4 No, I wasn't arrested by the F.B.I.
5 Q Okay.
6 Was it in 1978, then, that you were arrested by
7 the F.B.I.?
8 A Yes. 1978.
9 Q What was that for?
10 A For possession of stolen property.
11 Q Now, what was the stolen property?
12 A Firearms.
13 Q Firearms?
14 A Yes.
15 Q Do you know where they came from?
16 A Yes, I do.
17 Q Where did they come from?
18 A Big 5 Sporting Goods Stores.
19 Q Where were those Big 5's Sporting Goods Stores
20 located?
21 A One is in Inglewood. One is in Torrance.
22 Q How were they gotten from the Big 5?
23 A Robbed.
24 MR. INGBER: I would object, Your Honor, as irrelevant.
25 THE COURT: Well, counsel approach the bench.
26 Could we have the court reporter.
27 (The following proceedings were held at
28 the bench:)

1 THE COURT: What is the relevance?

2 MR. MARTIN: This is all foundational, Your Honor, as
3 to impeachment under 785 of the Evidence Code, which the People
4 are going to bring out the various breaks and deals that this
5 defendant got; and also the fact that he --

6 MR. INGBER: The defendant, or witness?

7 MR. MARTIN: I mean the witness.

8 And also previous occasions when he had been a
9 police agent of the district attorney's office; when he had
10 tried to extort money from an attorney while he was a police
11 agent.

12 We feel that this matter should come out.

13 I've told counsel that the matter should come out.
14 It goes to impeachment of this witness.

15 We intend to bring those items out prior to his
16 testifying as to what he knows as to this defendant.

17 THE COURT: Does that relate to the Big 5 Sporting Goods?

18 MR. MARTIN: The Big 5 Sporting Goods Stores were
19 robberies, which the defendant had organized with somebody
20 else.

21 MR. INGBER: The defendant, or the witness?

22 MR. MARTIN: The witness. Thank you.

23 MR. INGBER: Sorry.

24 MR. MARTIN: And received the guns and sold them to the
25 F.B.I., and the F.B.I. then took the guns and turned the witness
26 over to the district attorney's office, where he was used in an
27 insurance fraud scandal, and became an agent of the district
28 attorney's office.

1 THE COURT: That's when he got involved in the other --
2 all right.

3 The objection is overruled.

4 (The following proceedings were held in
5 open court, in the presence of the jury:)

6 MR. MARTIN: May the reporter read back the question?

7 THE COURT: Yes. Would you read the last question,
8 please, Mr. Barnes?

9 (The question was read.)

10 THE WITNESS: Robbery.

11 Q BY MR. MARTIN: Were these robberies that you had a
12 hand in organizing?

13 A Yes, I did.

14 Q Let me stop there.

15 You know that you have not been given official
16 immunity by the courts; isn't that true?

17 A Yes.

18 Q But the district attorney's office has told you
19 that you will not be prosecuted for anything that you say
20 during this trial under oath; isn't that true?

21 A Yes.

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1 MR. INGBER: Your Honor, I would object to counsel
2 testifying.

3 THE COURT: Well, the objection is overruled.

4 Q BY MR. MARTIN: Do you understand that you must
5 tell the truth, that you could possibly be prosecuted for
6 perjury if you don't tell the truth?

7 A Yes.

8 Q About how many guns were gotten from those two
9 robberies?

10 A A hundred and fourteen.

11 Q And then did you try to sell those guns?

12 A Yes, I did.

13 Q Where did that take place?

14 A At the Ramada Inn in Culver City.

15 Q Did there come a time when you were in Marina del
16 Rey?

17 A Yes. I sold a load in Marina del Rey too.

18 Q You sold guns there too?

19 A Yes.

20 Q And did you find out later who you sold those
21 guns to?

22 A Yes, I did.

23 Q And who was that?

24 A FBI.

25 Q And then did they arrest you for that?

26 A Yes, they did.

27 Q Following that arrest, did you come in contact
28 with anybody in the district attorney's office?

1 A Yes, I did.

2 Q Approximately what date was that?

3 A I can't remember.

4 Q Okay.

5 Let me ask you this: Did there come a time when
6 you spoke to sheriff deputies about some killings in a motel
7 on Vermont?

8 A Yes, it was.

9 Q Approximately when did you speak to the deputies
10 as to that?

11 A It was on a Wednesday, the 14th of March.

12 Q What year?

13 A '79.

14 Q Okay.

15 Now, as to the selling of the guns to the FBI:
16 Did you come in contact with the district attorney's office
17 before you talked to the sheriffs about these killings or after-
18 ward?

19 A It would have been before.

20 Q And who did you speak to, if you recall?

21 A Well, I had talked to the district attorney's
22 office before I had talked to the sheriffs on another incident
23 that I was involved in.

24 MR. INGBER: Move to strike the answer as nonresponsive
25 to the question.

26 THE COURT: That may be stricken.

27 The jury is admonished to disregard it.

28 Q BY MR. MARTIN: Let me ask you this: In 1978 were

-3

1 you engaged in criminal activity?

2 A Yes, I was.

3 Q With what person?

4 A Well, I was -- several people I was involved with.

5 Q Okay.

6 And what were you doing?

7 A Robbing.

8 Q Okay.

9 Now, do you know a person by the name of Greg
10 Wilbon?

11 A Yes, I do.

12 Q And did you ever work with him?

13 A Yes, I have.

14 Q And what did you do with him?

15 A Insurance frauds.

16 Q How did that work?

17 A Well, we would stage accidents on the freeway,
18 setting up cars, selling them to attorneys and doctors for
19 money.

20 Q Now, when you say these accidents you set up on the
21 freeway --

22 A Yes.

23 Q -- where did you get the cars?

24 A Well, we used friends' cars. We had a guy that
25 we would get cars from that had access to cars in auctions.
26 He would get cars from automobile auctions, and we would use
27 them on the freeway accidents.

28 Q Okay.

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1 After the accidents did you sell the accident
2 to anybody?

3 A Yes.

4 Q And what type of people would they be?

5 A Attorneys.

6 Q Attorneys?

7 A Doctors.

8 Q Doctors?

9 A Yes.

10 Q What about the people whose cars you use?

11 A Well, they -- all they would receive is property
12 damage.

13 Q From the car?

14 A Yes. Sometime we didn't tell them.

15 Q Now, in order to do this, did you have driver's
16 licenses?

17 A I would go get --

18 Q You can answer that yes or no.

19 A Yes.

20 Q How many driver's licenses did you have?

21 A Forty.

22 Q Forty?

23 A Yes.

24 Q In your name or different names?

25 A Thirty-seven under different names.

26 Q And were these temporary driver's licenses or
27 permanent?

28 A It was a white slip. The one they give you when

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1 you're waiting to get your permanent license.

2 Q Now, when you fill those out, do you fill them out
3 with false names; is that right?

4 A Yes.

5 Q And did you use those to give to the insurance
6 companies?

7 A Yes.

8 Q About how many accidents were you involved in
9 totally?

10 A About a hundred and twenty-five.

11 Q A hundred and twenty-five accidents?

12 A Yes.

13 Q How much money did you actually get in your hands
14 from these accidents?

15 A About 5,000.

16 Q Five thousand dollars?

17 A Yes.

18 Q And what years or year did these accidents occur?

19 A Within a year's period. Within a year's time.

20 Q Okay.

21 But what year are we talking about?

22 A 1970 -- well, '79.

23 Q '78-'79?

24 A '78-'79, yes.

25 Q Is any money owing you from these accidents?

26 MR. INGBER: Objection.

27 That is irrelevant.

28 THE COURT: Well, the objection is overruled. The witness

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1 may answer.

2 THE WITNESS: Yes.

3 Q BY MR. MARTIN: Now, did there come a time when
4 you spoke with the Insurance Crime Prevention Institute?

5 A I did.

6 Q And did they offer you money?

7 A Yes, they did.

8 Q Did they ever pay any money?

9 A They paid me a thousand dollars.

10 Q And what did they pay that thousand dollars for?

11 A For information in certain cases that I was
12 involved in.

13 Q Did you give them the details of these accidents?

14 A Yes, I did.

15 Q Did you explain how it was done?

16 A Yes, I did.

17 Q And did you give them the names of people involved?

18 A Yes, I did.

19 THE COURT: Would this be a convenient time to recess?

20 MR. MARTIN: Yes, Your Honor.

21 THE COURT: All right. At this time we will recess
22 until 10 minutes past the hour.

23 Ladies and gentlemen, bear in mind during this
24 recess that you are not to discuss this case amongst yourselves
25 or with anyone else, and you are not to form any opinion
26 concerning this matter or express any opinion concerning this
27 matter until the case is finally given to you.

28 We will be in recess until 3:10. All jurors,

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1 defense counsel, and witness are ordered to return at that
2 time. Thank you.

3 (Recess.)

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1 THE COURT: People versus Williams.

2 Let the record show the defendant is present
3 represented by counsel; the People are represented by counsel.

4 The jurors are in their assigned places.

5 You may resume, Mr. Martin.

6 MR. MARTIN: Thank you, Your Honor.

7 Q Mr. Garrett, when you began setting up these
8 freeway accidents, who did you begin doing that with?

9 A Gregory Wilbon.

10 MR. INGBER: I'm sorry. I can't hear.

11 THE COURT: Gregory Wilbon.

12 Q BY MR. MARTIN: Is that W-i-l-b-o-n?

13 A Yes, it is.

14 Q Did there come a time when you no longer worked
15 with Gregory Wilbon?

16 A Yes, it did.

17 Q What happened there?

18 A He got killed.

19 Q And did you take over the business?

20 A Yes, I did.

21 Q Now, sometime in March, March 10th, 1979, on or
22 around that time, were you facing some charges?

23 A Yes, I was.

24 Q What charges were they?

25 A Possession of stolen property.

26 Q Receiving stolen property?

27 A Yes.

28 Q Was that in the court system?

1 A Yes, it was.

2 Q Sometime around that date, that week of March
3 10th, 11th, 12th in through there, were you visited by an
4 investigating team of the sheriff's department?

5 A Yes, I was.

6 Q When was that?

7 A Tuesday, the 13th.

8 Q Of March?

9 A Yes, it was.

10 Q 1979?

11 A Yes, sir.

12 Q And that was in connection with what?

13 A Gregory Wilbon.

14 Q His death?

15 A Yes, it was.

16 Q Sometime later did you speak to those same
17 investigators?

18 A Yes, I did.

19 Q How did that come about?

20 A Well, they asked me to come down on the 14th,
21 which was a Wednesday, at ten-thirty, to discuss the Wilbon
22 case.

23 Q Did you do that?

24 A Yes, I did.

25 Q After you discussed that, did you go back to your
26 home?

27 A Yes, but I had talked to them first.

28 MR. INGBER: Your Honor, there is no question pending.

1 The question is, did he go back to his home.

2 Anything beyond yes would be nonresponsive.

3 THE COURT: It may be stricken.

4 Next question.

5 Q BY MR. MARTIN: After you spoke with them, you
6 went back to your home; is that correct?

7 A Yes.

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1 Q Did you speak to them a second time that day?
2 A Yes, I did.
3 Q Was that in the afternoon?
4 A Yes, it was.
5 Q And then on the 15th of March, 1979, did you speak
6 with some investigators from the homicide division?
7 A Yes, I did.
8 Q Was that conversation tape recorded?
9 A Yes, it was.
10 Q Now, sometime after that did you begin working
11 with the district attorney?
12 A Yes, I did.
13 Q And who were you working with? What investigator?
14 A Terry Olsen, Allen Lane.
15 Q Is Allen Lane a lieutenant in the district
16 attorney's office?
17 A Yes, he is.
18 Q And what were you working on with them?
19 A Insurance fraud.
20 Q And did you promise to do something for them?
21 A Yes, I did.
22 Q What was that?
23 A I promised to help cooperate with them in the
24 insurance fraud if they -- if they, you know, gave me, you
25 know, my wife and myself a chance as far as our pending cases.
26 Q Was that the receiving stolen property case?
27 A Yes, it was.
28 Q And was there any particular person that you were

1 going to work for the district attorney in helping them out?

2 A Yes, it was.

3 Q Who was that person?

4 A Stephen Burke.

5 Q And what does he do for a living?

6 A He's an attorney.

7 Q Did there come a time when the district attorney's

8 office gave you recording equipment?

9 A Yes, it did.

10 Q And what did you do with that equipment?

11 A I was told to go to Burke's office and hold a

12 conversation with him.

13 Q Did you do that?

14 A Yes, I did.

15 Q Okay.

16 Was that recorded?

17 A Yes, it was.

18 Q Later on did you do something else with that

19 recording equipment?

20 A Yes, I did.

21 Q What was that?

22 A I was to tape phone conversations with his --

23 Q With whom?

24 A With Burke. Between Burke and myself.

25 Q And then sometime later did you do something with

26 the recording equipment?

27 A Yes, I did.

28 Q What did you do?

1 A I pretended like as if I was trying to set the
2 DA's office up.

3 Q Okay.

4 Did you make some recordings?

5 A Yes, I did.

6 Q And then what did you try to do with that?

7 A I tried to tell Burke that I had some influence
8 with the DA's office in order to obtain some money.

9 Q How much did you ask Burke for?

10 A Eighty grand. Eighty thousand.

11 Q For that eighty thousand what were you going to do?

12 A Lie. False testify.

13 MR. INGBER: I'm sorry. I didn't hear that.

14 THE WITNESS: False testimony.

15 MR. INGBER: False testimony?

16 THE COURT: Yes.

17 Q BY MR. MARTIN: And who were you going to testify
18 against?

19 A Burke.

20 Q You were going to testify against Burke?

21 A No. I was going to testify against Lane and
22 Olsen.

23 Q Okay.

24 And what did that recording you made purport --
25 was supposed to show?

26 A It was supposed to show that the DA's office
27 and the L.A.P.D. asked me to set Burke up.

28 Q And that's what you tried to show on the tape

-4

1 recording?

2 A Yes, it was.

3 Q Did you try to imitate anybody's voices?

4 A Yes, I did.

5 Q Whose voice did you try to imitate?

6 A Imitated Fleming's voice, and I had another
7 guy, a friend of mine's. I imitated his voice.

8 Q Who is Fleming?

9 A He was the -- one of the detectives that arrested
10 Burke.

11 Q Okay.

12 Now, what happened to that scheme?

13 A It backfired.

14 Q And how did that occur?

15 A Well, Burke was a little slicker than I was.

16 MR. INGBER: I'm sorry. I didn't hear. Sicker?

17 THE WITNESS: Burke was a little slicker --

18 THE COURT: Okay.

19 THE WITNESS: -- than I was.

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1 Q Okay.

2 As a result, were you arrested?

3 A Yes, I was.

4 Q And who were you arrested by?

5 A The Attorney General.

6 Q The Attorney General's Office?

7 A Yes.

8 Q Did you learn that the Attorney General's Office

9 knew about your attempt to get this money from Burke?

10 A Yes, I did.

11 Q After that happened, what were you charged with?

12 A Extortion.

13 Q And who charged you with that?

14 A The Attorney General.

15 Q Is that the case that you pled guilty to compounding

16 a felony on?

17 A Yes, it was.

18 Q Going back to the Tuesday, the 11th -- excuse me --

19 the 13th of March, who were the officers that you spoke to in

20 your home?

21 MR. INGBER: There is no testimony at this time -- assumes

22 facts not in evidence, Your Honor.

23 THE COURT: The objection is sustained.

24 Q BY MR. MARTIN: On Tuesday the 13th of March, did

25 you testify that you talked to some investigators from the

26 sheriff's office?

27 A I did.

28 Q Who were those investigators?

1 A Sergeant Gwaltney and Gallatin.
2 Q Where did you speak to them?
3 A At my home.
4 Q What case was that about?
5 A Gregory Wilbon case.
6 Q The following day was a Wednesday; correct?
7 A Yes, it was.
8 Q Did you go down to see those same officers that
9 day?
10 A Yes, I did.
11 Q Where did you go?
12 A To Lennox Sheriff's Department.
13 Q Now, at the time you went down to see them, what
14 did you have in mind?
15 A I was going to talk about the Gregory Wilbon case.
16 Q Did you have anything else in mind?
17 A Not at that particular time, no.
18 Q All right.
19 Did there come a time when you had something else
20 in mind?
21 A Yes.
22 Q When did that occur?
23 A When I was talking to the -- Gwaltney and Gallatin.
24 Q What was it that came into your mind?
25 A I'd asked them have they heard about any murders
26 that had happened; big murders that happened in the vicinity.
27 Q Now, why did you say that?
28 A Why?

1 Q Yes.

2 Were you hoping to get something out of that?

3 A Yes.

4 Q What were you hoping to get?

5 A Well, I had extortion facing me, and receiving
6 stolen property. I was hoping, you know, to get something.

7 Q Let me just ask you, are you getting mixed up on
8 the dates?

9 When did the extortion occur?

10 After you spoke to those officers, or before?

11 A After.

12 Q Okay.

13 So what were you facing when you talked to these
14 officers about Gregory Wilbon?

15 A Receiving stolen property.

16 Q And did you ask them for anything?

17 A No.

18 Q But what did you have in your mind subjectively?

19 A That if I help them, maybe they will help me.

20 Q You thought if you scratched their back, they'll
21 scratch yours?

22 A Of course.

23 Q You were hoping to get something out of it?

24 A Yes.

25 Q You weren't a good citizen just talking about
26 crime?

27 A No.

28 Q How long have you known the defendant?

1 MR. INGBER: Asked and answered, Your Honor.

2 THE COURT: Overruled.

3 THE WITNESS: A couple of years.

4 Q BY MR. MARTIN: Did he keep any items at your
5 house?

6 A Several.

7 Q What was the address where you were living?

8 A 10402 South St. Andrews Place.

9 Q Now, what items did he keep at your place?

10 A Kept his weights; gun; few clothes.

11 Q Ever keep a dog there?

12 A Yes.

13 Q What kind of a dog?

14 A A Pitt Bull.

15 Q Now, did he have some kind of an arrangement with
16 you as to being able to stay at your house?

17 A No.

18 Q Well, let me ask you this.

19 Did he ever stay at your house?

20 A Yes, he stayed.

21 Q And did he stay there because you didn't want him
22 to stay there, or was there some arrangement?

23 A Well, he stayed there because we wanted him to
24 stay there. He was kind of down on his luck, and we was trying
25 to help him out.

26 Q How often in 1979, prior to March 15th, would you
27 say that he stayed at your place?

28 A Repeat the question, please.

1 Q Yes.

2 In March, 1979, prior -- before March 15th, how
3 many times would you say he stayed at your home?

4 A Lots of times.

5 Q Can you give some sort of an estimate?

6 A About a year.

7 Q Pardon me?

8 A About a year.

9 Q Well, I'm talking about the frequency.

10 Would he stay there one day a week, one day a
11 month, how would you describe that?

12 A Oh, he would stay like maybe five out of seven.
13 Five days out of seven days he would be there.

14 Q Okay.

15 Where would he stay in your home?

16 A Well, we have an extra room, and, you know, my
17 son's room. He would sleep in there, or sleep in the couch
18 in the front room.

19 Q Where were the weights kept?

20 A In my garage.

21 Q Now, directing your attention to Friday, that
22 would be -- the 9th of March, 1979, did you see the defendant
23 at all that day?

24 A Yes.

25 Q Where did you see him?

26 A At my home.

27 Q Do you recall when he came?

28 A Not no certain time.

1 Q Was it in daytime or in the evening?
2 A Daytime.
3 Q Daytime?
4 A Yes.
5 Q Did he stay with you that Friday night, if you
6 know?
7 A No.
8 Q Did you see him Saturday, December the 10th?
9 THE COURT: December the 10th?
10 MR. MARTIN: Excuse me, Your Honor.
11 Q March the 10th?
12 A No.
13 Q Did you see him Sunday, March the 11th, 1979?
14 A No.
15 Q Did you see him Tuesday, March 12th, 1979?
16 A I seen him Tuesday, March 13th.
17 Q Excuse me. The 11th would be Sunday; Monday would
18 be the 12th. Thank you; and Tuesday would be the 13th.
19 You saw him Tuesday the 13th?
20 A Yes.
21 Q Where did you see him?
22 A At my home.
23 Q How did that come about?
24 A Well, I just came in from Gardena from gambling
25 at the clubs.
26 I went to the clubs on Tuesdays.
27 Stanley was in the bathroom.
28 Q What time was this?

1 A Early morning.
2 Q Early morning?
3 A Yes.
4 Q What room were you in your house?
5 A I was in my bedroom.
6 Q Who else was in the bedroom?
7 A My wife.
8 Q What time did you get home from the -- were you at
9 the poker parlors?
10 A Yes.
11 Q What time did you get home, about?
12 A Close at seven, so I was home at about seven-thirty.
13 Q Were you in your clothes, or in your pajamas?
14 A Well, I was -- you know, partially dressed.
15 Clothes.
16 Q And the defendant, about what time did he come?
17 A Well, I seen him about -- nine, nine-thirty.
18 Q And was that in your bedroom?
19 A Yes. Well, he walked in the bedroom.
20 Q Was there anybody else present besides yourself,
21 the defendant -- and your wife was there; Esther?
22 A Yes.
23 Q Were those the three people that were present?
24 A Yes, it was.
25 Q At that time, did you have a conversation with
26 the defendant?
27 A Yes, I did.
28 Q What if anything did the defendant say at that time?

1 A At that time he asked me -- my wife, myself, have
2 you heard about anybody getting killed; people getting killed in
3 the neighborhood.

4 Q Did anybody answer that?

5 A Yes, I did.

6 Q What did you say?

7 A I said no.

8 Q Then what did you say?

9 A Then he said that he had heard that some people got
10 killed; some Chinese people.

11 I said, "Oh yeah?"

12 And he said, "Yeah."

13 Then he said -- my wife had asked him -- she said,
14 "Well, I heard something about that over the radio."

15 MR. INGBER: To which I'll object as hearsay.

16 THE COURT: The objection is overruled. It is in the
17 presence of all three.

18 THE WITNESS: My wife stated she heard something over
19 the radio.

20 He said, "Well, I heard that some people, some
21 Chinese people got killed at a motel," like that.

22 He said he don't know how it happened, but he
23 had heard that it was professionals that did it.

24 Q Did he tell you why he thought it was professionals?

25 A He sayd by the way it was did.

26 Q Did he describe that at all?

27 A Yes, he did.

28 Q What did he say?

1 A He said he heard that it was did by professionals
2 because there was no shells left, or no witnesses left
3 around.

4 Q No witnesses?

5 A Yes.

6 Q Did he tell you anything more about how it
7 happened?

8 A Yes.

9 Q What did he say?

10 A Well, he started saying that the way he heard it
11 it was that it happened on a Sunday, at five in the morning, like
12 that.

13 He said that he had heard that it was two guys,
14 knocked the door down. A big guy and a little guy.

15 He said he knew for a fact that it was a big guy
16 that knocked the door down.

17 He also stated that he knew for a fact that it was
18 Chinese people that was in the motel at that time in the
19 morning.

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1 Q Did he say anything about money?

2 A Yes, he did.

3 He say -- well, he said that, and then my wife
4 said that she had heard about it.

5 MR. INGBER: Same objection, Your Honor. I suspect the
6 same ruling.

7 THE COURT: Yes. The objection is sustained.

8 Q BY MR. MARTIN: Okay.

9 Was there a discussion about money?

10 A Yes, it was.

11 Q What, if anything, did the defendant say?

12 A He said he heard that they got six hundred
13 dollars.

14 Q Okay.

15 Did your wife dispute that?

16 A Yes, she did.

17 Q What, if anything, did the defendant say?

18 A Well, he said that it was six hundred, and she
19 said it was only a hundred, what she heard.

20 MR. INGBER: Move to strike what she said, Your Honor,
21 as hearsay.

22 THE COURT: Well, it's not offered for the truth of the
23 matter, and it's limited for a nonhearsay purpose.

24 MR. INGBER: Pardon?

25 THE COURT: It's limited to the nonhearsay purpose.

26 MR. INGBER: Which is what?

27 THE COURT: Which is the nature of the conversation,
28 what prompted the remark, and not for the truth of the fact

1 of how much money was actually there. It's obvious that if
2 she heard something was there from somebody else, that does not
3 prove how much was there.

4 And the jury is instructed to disregard it for
5 that purpose. All right.

6 Q BY MR. MARTIN: What else, if anything, did the
7 defendant say regarding this incident?

8 Did he tell you where it was?

9 A Yes.

10 Well, he started saying, "I heard that it happened
11 on Vermont at a motel" like so. "And I heard that the guys
12 who did it," like I said before, "was a big guy and a little
13 guy. And I know for a fact that the big guy was the one that
14 knocked the door down."

15 MR. INGBER: I would object to this, Your Honor.

16 It's repetitive.

17 THE COURT: The question was asked. The answer was
18 given. Next question.

19 Q BY MR. MARTIN: About how long did this
20 conversation take place?

21 A Oh, I'll say about an hour.

22 Q Did he say what the sex was of the people who did
23 this, did these killings?

24 A Yes, he did.

25 Q What did he say?

26 A He said he heard that it was two Chinese women
27 and a Chinese man.

28 Q What did you say in response to any of this, if

1 you said anything?

2 A Well, I asked him how he heard this. He said
3 that's what he heard. You know, he heard that it happened.

4 Q Yes.

5 Now, at a later time was this same subject
6 discussed again?

7 A Yes, it was.

8 Q How did that come about?

9 A Well, we was -- Stanley asked me to drop him off --

10 Q What day was this?

11 A This was a Wednesday.

12 Q Was it in the morning or the afternoon?

13 A No, no. It was Tuesday. I'm sorry.

14 Q Tuesday?

15 A Tuesday, yes.

16 Q The same day?

17 A Yes, the same day.

18 Q And was it in the morning or the afternoon?

19 A It was just before noon time.

20 Q And did you drop him off?

21 A Yes, I did.

22 Q What car was being driven?

23 A I had a Continental, blue.

24 Q Were you driving?

25 A Yes, I was.

26 Q Who else was in the car?

27 A My wife.

28 Q And who else?

1 A And Stanley.

2 Q Where did you start out from?

3 A 104th Street. From my house.

4 Q Okay.

5 Now, before you got in the car was there any

6 discussion about this motel and this killing on Vermont?

7 A Yes.

8 We was talkin' about it in the house and in the

9 car.

10 Q What occurred in the car?

11 A Well, he started, you know, stating that how the

12 people was killed.

13 Q Well, I don't want you to -- I want you to tell

14 me what he said.

15 A He said that after the big guy knocked the door

16 down, he went in the motel, and there was a guy laying on the

17 couch, and he blew him away.

18 Q Now, who blew who away?

19 A He said the big guy blew the guy away on the

20 couch.

21 Q Did he say with what?

22 A With a shotgun.

23 Q Did he say how many shots were fired?

24 A The guy on the couch was shot twice.

25 Q What was the next thing that he said?

26 A There was a woman at the cash register, and he

27 shot her twice. And then someone came out from behind somewhere,

28 and he shot her.

1 Q Okay.

2 Did he speak about getting any money?

3 A He stated that he -- they had got six hundred
4 dollars from the motel.

5 Q Now, did you ask him who this big guy was at any
6 time?

7 A Well, I didn't -- no.

8 Q Did he tell you? Did there come a time when he
9 told you?

10 A Yes.

11 Q Was that in that same ride in the Continental car?

12 A Yes.

13 Q What did he say as to that?

14 A Well, we was riding, and we happened to be going
15 down Western. He asked me did I know about this certain motel
16 called the Mustang Motel. I said no. It was like that. He
17 said, "Well, Cus, I'm thinking about taking that off." I said,
18 "How you going to take that off, Cus, because too many people
19 off in there?" He says, "No problem." He said, "I'll blow
20 them away like I blew them away in the motel."

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1 Q What do you mean by "Cus"? Is that cousin?
2 Is that a slang expression?
3 A That's a slang. Cus, cousin.
4 Q After he told you that, what was next said?
5 A Well, after he told me that, I asked him -- I said,
6 "Well," I said, "Cus, you can't be going around telling
7 everybody things like that." He stated, "Well, I haven't told
8 nobody but my father and me."
9 Q Okay.
10 Did he tell you he also had spoken to somebody
11 else about it?
12 A Well, it was his brother-in-law.
13 Q Do you know his brother-in-law?
14 A Well, not personally, but I know him, if I --
15 Q Have you seen him?
16 A Yes, I have.
17 Q Do you know his name?
18 A Well, not his street name. I mean his street
19 name. I don't know his full name.
20 Q What is his first name?
21 A I don't know his first name.
22 Q Okay.
23 Did there come a time when you were asked to
24 identify that person down at the sheriff's office?
25 A Yes.
26 Q Okay.
27 And did you identify that person?
28 A Yes, I did.

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1 Q What name do you know him now?

2 A What name do I know him?

3 Q What name did you learn he had?

4 A Well, he was shooting crap one night and Tookie
5 had introduced me to him as his brother-in-law. Like that.
6 You know.

7 MR. INGBER: Move to strike the answer as nonresponsive.

8 THE COURT: That may be stricken.

9 Q BY MR. MARTIN: And by what name did you know him?

10 A By what name did I know him?

11 Q Yes.

12 Do you know his name now as you sit there?

13 A Yeah. I know his name.

14 MR. INGBER: Objection.

15 There are two questions there.

16 THE COURT: Well, do you know his name now?

17 THE WITNESS: Yes.

18 THE COURT: All right. What is it?

19 THE WITNESS: Joe.

20 Q BY MR. MARTIN: And his last name?

21 A Orso.

22 Q How do you spell that, please.

23 A O-r-s-o, I guess.

24 Q And when he told you that these people knew, did
25 you say anything as to that?

26 A When he said that he knew him?

27 Q Yes, that --

28 A People that knew him?

1 Q His father.

2 A Yeah.

3 Q And you and Joe Orso.

4 A Right.

5 Q What did you say when he told you that?

6 A I said, "Cus, you can't go around saying things
7 like that to everybody."

8 He said he wasn't worried about it, because if his
9 brother-in-law said anything, he was going to blow him away.

10 Q What did he say, if anything, about his father?

11 A He didn't say nothing else about his father.

12 Q He said what?

13 A He said nothing else about his father.

14 Q Well, did he tell you whether his father would
15 say anything or not?

16 A He wasn't worried about his father saying
17 anything.

18 MR. INGBER: Move to strike that as nonresponsive unless
19 it was said --

20 THE COURT: The objection is sustained. It is stricken.

21 Q BY MR. MARTIN: Well, do you recall what he said
22 concerning his father and the possibility of his father talking?

23 A Yes.

24 He said he wasn't worried about his father
25 saying anything. That's the way he said it.

26 Q Okay.

27 Did he describe any of the clothes of any of the
28 people at the motel?

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1 A Yes.

2 Q What did he describe?

3 A He mentioned something about a blue negligee one
4 of the women was -- women was wearing a blue negligee.

5 Q Yes.

6 Did he mention to you anything at all about the
7 shells of the shotgun?

8 A Yes.

9 Q What did he say as to that?

10 A He had mentioned that the shells was picked up.

11 Q Now, in which conversation? The one you had that
12 morning on Tuesday or the one in the car?

13 A The one that morning, on Tuesday.

14 Q And what did he say as to the shells?

15 A He had mentioned the fact that it seemed like it
16 was professional, because all the shells was -- the guys who
17 did it picked all the shells up from the motel.

18 Q Now, did he mention to you at any time any other
19 killings?

20 A Yes, he did.

21 Q When did that occur?

22 A That was in the car.

23 Q Okay.

24 On Tuesday?

25 A Yes.

26 Q Was it that day or some day previous that he
27 mentioned --

28 A Some day previously.

1 Q Well, do you recall when he talked to you about
2 any other killing?

3 A Not about dates, no.

4 Q Okay.

5 But using the date you were in the car, would it
6 be that day or some time before that day or some day after that?

7 A It would be some day before that.

8 Q Okay.

9 About how much before, if you remember?

10 A I really can't remember that much before.

11 Q Well, was it a year or a week or day, an hour or
12 what?

13 A It was around, I'll say, about a week, week and a
14 half.

15 Q Okay.

16 Who was present at that time?

17 A Me, myself -- I mean myself, Stanley, and my wife
18 was there.

19 Q Where did that take place?

20 A At home. At the house.

21 Q Do you remember what room?

22 A No.

23 Q Now, what did the defendant say at that time?

24 A Well, we was holding a conversation, and he was
25 telling me about this white guy who he had blew away, and he
26 was saying that this guy named Blackie, he was a punk. Like
27 that. And I said, "Well, you know, why you say he's a punk?"
28 He say, "Because after they blew this white guy away, Blackie

1 couldn't eat." You know. Like that.

2 And then he was thinking about blowing Blackie
3 away.

4 Q Did he say where that killing occurred?

5 A Some -- I'm kind of -- it was a store. Some kind
6 of a store. I don't know what kind of store.

7 Q Okay.

8 Did he say how he shot him?

9 A Yes.

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1 Q What did he say?

2 A Well, the guy was on his hands and knees, and he
3 shot him in the head.

4 Q Did he say what type of weapon?

5 A Shotgun.

6 Q Did he indicate to what when he wanted to go and
7 eat something?

8 A It was sometime at night.

9 Q Did you ask him any questions about it?

10 A No.

11 Q You were just listening?

12 A That's all.

13 Q Do you know somebody by the name of Blackie?

14 A Yes, I know Blackie.

15 Q Do you know whose he's referring to?

16 A I know him by his street name Blackie. I know who
17 he's referring to, yes.

18 Q Do you know as you sit there now what his real
19 name is?

20 A No.

21 Q Have you ever seen the defendant with Blackie?

22 A Yes.

23 Q How many times?

24 A Several times. Came to the house a couple of
25 times.

26 Q How would you describe Blackie?

27 How tall is he? What does he weigh?

28 A Say about five-nine. Weighs about 165; about 160,

9
1 165 pounds.

2 Q Is he black?

3 A Yes, he's black. Afro; wears sideburns.

4 Q About how old?

5 A About twenty-five, twenty-six.

6 Q Showing you what's been marked previously as
7 People's 8, do you recognize that?

8 A Yes, I do.

9 Q That gun?

10 A Yes.

11 Q As what?

12 A Shotgun. Stanley's gun.

13 Q How do you know it's Stanley's gun?

14 A Because I know by the tape on the back and the
15 shortness of the barrel in the front.

16 Q When did you first see that gun?

17 A When did I first seen it?

18 Q Yes.

19 A A couple of days after I met Stanley.

20 Q What year would that be?

21 A About -- the latter part of '78-- early part of
22 '78. Around in there.

23 Q When you saw it, was the stock sawed off?

24 A Yes.

25 Q Did you have a discussion with the defendant about
26 the shotgun?

27 A Yes.

28 Q What if anything did he tell you?

1 A Well, he used to always say how much he loved his
2 shotgun.

3 Q Did he ever tell you how much he loved the shotgun?

4 A Yes. He stated he loved the shotgun more than he
5 loved a woman, so I know he had to love it awful bad.

6 MR. INGBER: I move to strike the latter editorialization.

7 THE COURT: Latter part may be stricken.

8 MR. MARTIN: Are we striking, Your Honor, the fact that
9 the witness added that he knew it had to be bad?

10 THE COURT: Yes.

11 Q BY MR. MARTIN: Did you discuss with him the fact
12 that the handle, the stock, was sawed off?

13 A Yes, I did.

14 Q What did he say as to that?

15 A Well, he just said to me that it's not really
16 illegal, that the stock is -- because the barrel is the
17 right, you know, the right inches.

18 Q Yes?

19 A So therefore, by the stock being sawed off, it
20 wasn't illegal.

21 Q Did you ever ask him why he did it?

22 A No, not really.

23 Q Did he ever tell you?

24 A No.

25 Q Now, when he sleeps in your house, when he has
26 slept in your house, did you ever see the shotgun?

27 A Yes, I have.

28 Q When he sleeps in your house, where is the shotgun?